

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN MORTIMER,
Plaintiff

vs.

GEORGE MACCALLUM and the
SUFFOLK COUNTY
SHERIFF'S DEPARTMENT,
Defendants

C.A. NO.: 03-12447RCL

**AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION FOR DEFAULT
JUDGMENT AGAINST GEORGE MACCALLUM
PURSUANT TO FED. R. CIV. P. 55(a)**

I Keith J. Nicholson, do hereby depose and state the following to be true and accurate:

1. I am an attorney in good standing, licensed to practice in the United States District Court for the District of Massachusetts, with an office located at 77 Newbury Street, Suite Four, Boston, Massachusetts.

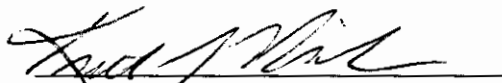
2. I am the attorney of record for the plaintiff John Mortimer in the above-captioned matter.

3. The above-captioned complaint was filed on the plaintiff's behalf on December 4, 2003 and the summons and a copy of the complaint were served on the defendant George MacCallum at his last and usual place of abode on March 1, 2004 as appears from the attached return.

4. The time within which the defendant had to serve a responsive pleading or otherwise defend pursuant to Fed. R. Civ. P. 12(a) has expired and the defendant has failed to serve or file an answer or otherwise defend as to the complaint.

5. After researching Mr. MacCallum's status, it is not believed that the defendant is a person in military service.

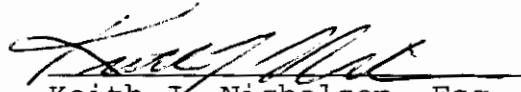
SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON THIS
THE 7TH DAY OF JULY, 2005.


Keith J. Nicholson, Esquire
BBO # 634726

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2005, I mailed a copy of the within documents on all counsel of record listed below, by first class mail, postage prepaid.

Maria F. Romero, Esquire
Suffolk County Sheriff's Department
Nashua Street Jail
200 Nashua Street
Boston, MA 02114


Keith J. Nicholson, Esq.